



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 6, 2021

BY ECF

The Honorable Paul A. Crotty
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Courtroom 14C
New York, New York 10007

**Re: *United States v. Joshua Adam Schulte*,
S3 17 Cr. 548 (PAC)**

Dear Judge Crotty:

The Government respectfully submits this letter in response to the defendant's letter dated August 8, 2021 and filed August 23, 2021 (D.E. 494), which requests (1) "a new classification review of the filed motions and orders docketed as 'classified filings'" or, in the alternative, "unclassified versions with the classified content redacted;" and (2) "a complete electronic docket, including all the associated filings."

With respect to the defendant's request for "a new classification review" of all classified filings in this matter, the Government respectfully suggests that the defendant identify to the Court and the Government any particular classified filings with respect to which he seeks a new classification review together with a brief description the basis for his belief that the filing is no longer classified. *First*, there have been numerous classified filings by both defense counsel and the Government, and a *de novo* classification review of those filings would be burdensome. *Cf. United States v. Mascheroni*, No. 10 Cr. 2626 (BB), 2012 WL 13081258, at *4 (D.N.M. Feb. 9, 2012) ("It is much more efficient in terms of time, manpower, and money to require Defendants to narrow the amount of material that must be subjected to a classification review, than to require the Government to perform a wholesale review."). *Second*, unclassified, redacted versions of a number of filings and orders already appear on the public docket. *See, e.g.*, D.E. 120 (opposition to motion to suppress); 124 (order pursuant to CIPA § 4); 158 (motion pursuant to CIPA § 6); D.E. 293 (order on witness protections); 323 (motion *in limine*). *Third*, contrary to the defendant's assertion that it is a "hardship for me to actually review these documents in classified format" (D.E. 494), the defendant visits the courthouse SCIF twice weekly to review classified discovery and has ready access to classified filings as well. *Fourth*, even if particular information has been declassified in a particular form, such as for use at trial, that does not mean that the same information is unclassified in all forms. For example, the vast majority of documents introduced at trial were declassified only subject to redactions and/or substitutions

cc: Standby counsel (by ECF)
Joshua Adam Schulte (by hand, via MCC Legal)